



**CITY OF MORGAN HILL
COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, FEBRUARY 6, 2002

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL & REGULAR MEETING,

and

REDEVELOPMENT AGENCY SPECIAL MEETING

*A Special Meeting Is Called at 5:30 p.m. for the Purpose of
Conducting a Workshop and Closed Sessions.*

Dennis Kennedy, Mayor/Chairman

5:30 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/ Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/ Agency Secretary Torrez)

City Council and Redevelopment Agency Action

City Council Action

City Council and Redevelopment Agency Action

Legal Authority:	Government Code 5495.6.8
Real Property Involved:	8.65 acre parcel located approximately 431± feet north of Dunne Avenue, between Condit Road and Highway 101 (APN 728-17-019)
Negotiating Parties:	

For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of
Business Assistance & Housing Services
For Property Owners: Horizon Land Inc.
Closed Session Topic: Acquisition of Real Property

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Name of Case: Hacienda Valley Mobile Estates v. City of Morgan Hill et al.
Case No: C 01-20976 PVT, United States District Court, Northern District of California
Attendees: City Council, City Manager, City Attorney

5.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8
Real Property Involved: Lot 28 of Catherine Dunne Ranch, Map No. 7 located at 1250 Barrett Avenue
(APN 817-13-017)
Negotiating Parties:
For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of
Business Assistance & Housing Services
For Property Owners: Virginia Lomanto Trustee
Closed Session Topic: Acquisition of Real Property

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION:

RECONVENE:

CLOSED SESSION ANNOUNCEMENT:

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATION

Future Business Leaders of America

CITY COUNCIL REPORT

Council Member Tate

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE DEPUTY CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #2 through #7 and Agenda Items #8 through #11 may be acted upon with one motion, a second and the vote, by each Respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

- | | |
|----|--|
| 2) | <u>DONATION OF SURPLUS FURNITURE</u> 11
<u>Recommended Action(s):</u> <u>Direct</u> Staff to Make Furniture Available to the YMCA. |
| 3) | <u>AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF RUTAN AND TUCKER</u> 13
<u>Recommended Action(s):</u>
1. <u>Authorize</u> the City Manager to Execute the Amendment to Agreement with the Law Firm of Rutan and Tucker; and
2. <u>Appropriate</u> \$75,000 from the General Fund to the City Attorney's Budget. |
| 4) | <u>APPROVAL OF PROFESSIONAL SERVICES CONTRACT FOR PRELIMINARY ENGINEERING AND PERMIT PROCESSING FOR THE MADRONE/MONTEREY/UPRR INTERSECTION</u> 27
<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute the City's Standard Professional Services Agreement with Mark Thomas & Company Inc. for Preliminary Design and Permit Processing Services in an Amount Not-to-exceed \$34,850, Subject to City Attorney Review and Approval. |
| 5) | <u>MITIGATED NEGATIVE DECLARATION FOR THE BOYS RANCH RESERVOIR #3</u> 35
<u>Recommended Action(s):</u> <u>Approve</u> the Mitigated Negative Declaration for the Boys Ranch Reservoir #3. |

6)	<u>REIMBURSEMENT TO MORGAN MEADOWS ASSOCIATES, LLC FOR MEDIAN IMPROVEMENTS AND PAVEMENT RECONSTRUCTION ON EAST DUNNE AVENUE AND HILL ROAD</u>	45
	Recommended Action(s):	
1.	Appropriate \$232,332 From the Current Year Unappropriated Traffic Impact Fee Fund for This Reimbursement; and	
2.	Authorize Reimbursement of \$232,332 for Median Improvements and Pavement Reconstruction on East Dunne Avenue and Hill Road to Morgan Meadows Associates, LLC.	
7)	<u>SUBDIVISION APPLICATION SD 01-06: CENTRAL - CENTRAL PARK</u>	49
	Recommended Action(s): Take No Action , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	

City Council & Redevelopment Agency Action

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
8)	<u>POLICE OFFICER HOUSING ASSISTANCE PROGRAM AND PROPOSED LOAN</u>	79
	Recommended Action(s):	
	<i>Redevelopment Agency Action:</i>	
1.	Increase the Maximum Purchase Price under the Police Officer Housing Assistance Program to \$550,000, and the Maximum Agency Loan from \$50,000 to \$60,000, or 11% of the Purchase Price, Whichever is less.	
	<i>City Council Action:</i>	
2.	Approve a Loan of Up to \$60,000 to the Chief of Police to Assist in Acquiring a Residence in Morgan Hill Based on Applicable Portions of the Police Officer Housing Assistance Program; and	
3.	Appropriate \$60,000 from the City's General Fund Unreserved Fund Balance.	
9)	<u>APPROVAL OF JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES FOR JANUARY 23, 2002</u>	115
10)	<u>APPROVAL OF JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR JANUARY 26, 2002</u>	135
11)	<u>APPROVAL OF JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR JANUARY 26, 2002 (CLOSED SESSIONS)</u>	137

City Council Action

PUBLIC HEARINGS:

	Time Estimate	Page
12)	60 minutes	
	<u>ZONING APPLICATION ZA 01-05/EA-01-12: MONTEREY - SOUTH VALLEY DEVELOPERS (APN 764-10-004)</u>	139
	<i>Continued from January 9, 2001</i>	
	Recommended Action(s): Request Staff Presentation.	
	Public Hearing Opened.	
	Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
	Council Discussion.	

Action - Motion to Approve Mitigated Negative Declaration.
Action- Motion to Waive the Reading in Full of the Planned Unit
Development (PUD) Ordinance No. 1548, N.S.;
Motion to Introduce Ordinance No. 1 548, N.S. by Title Only.
(Roll Call Vote)

13) 5 minutes **ZONING AMENDMENT APPLICATION ZA 01-12: CENTRAL AVE - CENTRAL PARK (APN 726-27-104 AND 105)** 205

Recommended Action(s): Request Staff Presentation.

Public Hearing Opened.

Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.

Council Discussion.

Action - Motion to Approve Mitigated Negative Declaration.

Action- Motion to Waive the Reading in Full of the Residential Planned
Development (RPD) Ordinance No. 1547, N.S.;

Motion to Introduce Ordinance No. 1547, N.S. by Title Only.
(Roll Call Vote)

14) 30 minutes **ZONING AMENDMENT APPLICATION ZA 01-20: TENNANT - SAFEWAY** 223

Recommended Action(s): Request Staff Presentation.

Public Hearing Opened.

Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.

Council Discussion.

Action- Motion to Waive the Reading in Full of Ordinance No. 1546,
N.S. Approving the Zoning Amendment;

Motion to Introduce Ordinance No. 1 546, N.S. by Title Only.
(Roll Call Vote)

15) 5 minutes **UPDATED 2000 URBAN WATER MANAGEMENT PLAN** 245

Recommended Action(s): Request Staff Presentation.

Public Hearing Opened.

Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.

Council Discussion.

Action - Motion to Adopt Resolution No. 5550 Approving the Updated 2000
Urban Water Management Plan..

Action - Motion to Direct the City Clerk to File the Updated 2000 Urban Water
Management Plan with the California Department of Water Resources
within 30 Days.

OTHER BUSINESS

Time Estimate

Page

16) 10 minutes **REVIEW OF THE SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE SECOND COMPREHENSIVE HIGH SCHOOL** 249

Recommended Action(s):

1. Receive Public Comments on the Supplemental Draft EIR; and

2. Approve Report Addressing Deficiencies in the Supplemental Draft EIR and
Direct the City Manager to Prepare the Appropriate Written Response to the School
District.

17) 30 minutes **UPDATE AND EXTENSION OF MEASURE P** 255

Recommended Action(s):

1. **Provide** Direction to Staff Regarding the Following:
 - A. The Process to Be Used to Formulate Ballot Language to Update and/or Extend Measure P,
 - B. The Scope of Amendments to Measure P Which Should Be Considered,
 - C. The Election Date at Which the Measure Would be Considered.
2. **Appropriate** \$65,000 from the Unappropriated Fund Balance of the Community Development Fund for the Measure P Amendment Referendum.

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote.

(Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

18) 1 minute **ADOPT ORDINANCE NO. 1543 NEW SERIES** 263

An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to Ordinance No. 1527, N.S., to Amend the Development Agreement for Application MP-00-05: Nina Lane - Shaw to Allow for a Six-month Extension of Time (APN 817-60-20)

19) 1 minute **ADOPT ORDINANCE NO. 1544 NEW SERIES** 269

An Ordinance of the City Council of the City of Morgan Hill Approving a Zoning Amendment to Establish a Precise Development Plan and Design Guidelines for a PUD District on the West Side of Condit Road, Between Dunne and Tennant Avenues (APNs 817-12-003, 004, 016 & 017 and APNs 817-13-019, 020, 021, 022, 024, 026, 027, 029, 030, 031, 032, 034 & 035)

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT